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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David M. BAPST

Application No.: 09/422,067

Filed: October 21, 1999

For: STAY IN VIEW CAR SEAT



) Group Art Unit: 3636

) Examiner: R. White

Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION

Sir:

In reply to the non-final Office Action dated August 16, 2000, (Paper no. 4), the period for response to which extends until November 16, 2000, Applicant respectfully submits the following remarks and respectfully requests reconsideration and the timely allowance of each of pending claims 1 - 20.

Applicant expresses appreciation for the allowance of claim 13 - 15, and the indication of allowable subject matter in claims 3 - 5, 7 - 12, and 17 - 20.

In the Office Action, claims 1, 2, 6, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,712,892 to *Masucci* in view of U.S. Patent No. 6,003,753 to *Cone, II (Cone.)* Applicant respectfully traverses the rejection for the following reasons.

Each of independent claims 1, 6, and 16 includes features that are not shown or suggested by *Masucci* or *Cone*, either when taken alone or in combination. Claim 1 recites, among other novel and unobvious features, "[a] base support having a mirror mounted on said back portion [of the base support,]" while claims 6 and 16 each recite "[a] back portion [of the base support] supporting a mirror[.]" Applicant respectfully asserts that at least these features of each claim are not shown or suggested by *Masucci* and *Cone*.

The Office Action asserts that the rear seat mirror 10 in *Masucci* and the back portion 37 of the foundation 10 in *Cone* are analogous to the mirror and the back portion of the base support recited in each of the independent claims, respectively. Even if Applicant agreed with these assertions, however, all of the features of the claims would not be shown or suggested by a combination of *Masucci* and *Cone*. Although the Office Action asserts that it would have been obvious and well within the level of ordinary skill in the art to attach the rear seat mirror 10 in *Masucci* to the back portion 37 of the foundation 10 in *Cone*, neither *Masucci* nor *Cone* shows or suggests mounting a mirror on a back portion of a base support, as required by each of the claims. Further, attaching the rear seat mirror 10 in *Masucci* to the back portion 37 in *Cone* would destroy the utility of the mirror, since, as shown in figure 4 of *Cone*, the mirror would be disposed behind a child car seat 14.

MPEP § 2143.03 points out that “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Therefore, Applicant respectfully requests that the rejection to each of independent claims 1, 6, and 16 under 35 U.S.C. § 103(a) be withdrawn.

Claim 2, as depending directly from allowable claim 1, is therefore also allowable for at least the same reasons as claim 1. Thus, Applicant respectfully requests that the rejection to this claim under 35 U.S.C. § 103(a) be withdrawn.


In view of the foregoing remarks, Applicant respectfully requests reconsideration of the application and the timely allowance of each of the pending claims. The Examiner is invited to contact the undersigned by telephone if any issues remain unresolved.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
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Dated: September 28, 2000

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